IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6150 OF 2005

The State of Maharashtra ...Applicant

Versus

Pramod U.Kshirsagar & Ors. ...Respondents

Shri U.V.Nikam, A.P.P for the Applicant.
Shri V.V.Purwant i/by Shri Amit Borkar for the Respondent Nos.1 to 4.

CORAM : A. S. OKA, J.

DATE : DECEMBER 21, 2006.

P.C.:

1. Heard the learned A.P.P for the Applicant and Shri Borkar for the Respondents. The acquittal of the Respondents is for offences punishable under section 498-A, 323 and 504 of the Indian Penal Code.

2. I have perused the impugned judgment and order. The learned Trial Judge has considered and appreciated the evidence of each and every prosecution witness and has come to the conclusion that there was no evidence of cruelty or harassment and therefore, the offence under section 498-A was not established. The same is the case with the offences under section 323 and 504 of the Indian Penal Code.

3. Shri Borkar appearing for the Respondents has placed on record certified copy of the judgment of the Family Court at Pune in Petition No.F224 of 2006. The said judgment shows that there is a divorce by mutual consent between the complainant and the first Respondent. He has also placed on record certified copy of the affidavit filed by the complainant before the Family Court.

4. It appears that the F.I.R lodged by the wife was the outcome of matrimonial dispute. Now the matrimonial dispute has come to an end by amicable settlement. Affidavit filed in the matrimonial Petition shows that even the complainant has agreed that the Respondents should not suffer any more.

5. Considering all the aforesaid factors, no case is made out for grant of leave. Application for leave is rejected.

JUDGE